S.B. CIVIL WRIT PETITION No.9842/2002
GAJENDRA SINGH V/s STATE OF RAJ. & Ors

11.1.2007

HON'BLE MR. JUSTICE MOHAMMAD RAFIQ

Shri Rinesh Gupta for the petitioner
Shri S.P.Tyagi for CBI.
Shri B.S. Chhaba, Dy. G.A.

This writ petition has been filed with the grievance that even though the father of the petitioner who died in mysterious circumstances and the petitioner lodged an FIR with the Police Station – Udaipurwati, District Jhunjhunu alleging therein that his father was found dead in un-natural circumstances on 21.2.2002 but the police had not made proper investigation and ultimately proposed to give the Final Report in the matter. Learned counsel argued that there are very many factors that the police neglected to examine and ultimately found that no case was made out.

Shri B.S. Chhaba, learned Dy. Government Advocate, appearing for respondents No. 1 to 4, submits that proper investigation had been conducted and the police on examination of the entire evidence finally proposed to give the Final Report which in fact could not be filed on account

of the status quo passed by this court and the matter has not proceeded thereafter. In the facts of the case, on perusal of the petition and after hearing the arguments, I do not find any special or compelling reason to direct the investigating of the present case by Central Bureau of Investigation particularly when a long period has gone by since Final Report was given in the case. It would be appropriate for the petitioner, if he so desire, to file protest petition which is said to be pending consideration of the court of competent jurisdiction which may then pass appropriate order in accordance with law. The petitioner would be at liberty to make all those arguments which he intends making before this court.

Accordingly, the writ petition is disposed of with the aforesaid observations.

(Mohammad Rafiq),J.

Chauhan/